



General Assembly

January Session, 2003

Raised Bill No. 1066

LCO No. 3370

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING VICTIMS' RIGHTS IN COURT PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-85a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 In any criminal prosecution, the court, upon motion of the state or
4 the defendant, shall cause any witness to be sequestered during the
5 hearing on any issue or motion or any part of the trial of such
6 prosecution in which he is not testifying, except that the court shall not
7 cause a crime victim to be sequestered unless: (1) Such crime victim is
8 to testify and the court determines that such crime victim's testimony
9 would be materially affected if such crime victim hears other
10 testimony; and (2) if such crime victim is a member of the immediate
11 family of a homicide victim, the provisions of subsection (b) of section
12 54-85c have been complied with.

13 Sec. 2. Section 54-91c of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2003*):

15 [(a) For the purposes of this section, "victim" means a person who is

16 a victim of a crime, the legal representative of such person, a member
 17 of a deceased victim's immediate family or a person designated by a
 18 deceased victim in accordance with section 1-56r.]

19 [(b)] (a) Prior to the imposition of sentence upon any defendant who
 20 has been found guilty of any crime or has pleaded guilty or nolo
 21 contendere to any crime and prior to the acceptance by the court of a
 22 plea of guilty or nolo contendere made pursuant to a plea agreement
 23 with the state wherein the defendant pleads to a lesser offense than the
 24 offense with which such defendant was originally charged, the court
 25 shall permit [the] any victim of the crime to appear before the court for
 26 the purpose of making a statement for the record, which statement
 27 may include the crime victim's opinion of any plea agreement. In lieu
 28 of such appearance, the crime victim may submit a written statement
 29 [or, if the victim of the crime is deceased, the legal representative or a
 30 member of the immediate family of such crime victim may submit a
 31 statement of such deceased crime victim] to the state's attorney,
 32 assistant state's attorney or deputy assistant state's attorney in charge
 33 of the case. Such state's attorney, assistant state's attorney or deputy
 34 assistant state's attorney shall file the statement with the [sentencing]
 35 court and the statement shall be made a part of the record. [at the
 36 sentencing hearing.] Any such statement, whether oral or written, shall
 37 relate to the facts of the case, the appropriateness of any penalty and
 38 the extent of any injuries, financial losses and loss of earnings directly
 39 resulting from the crime for which the defendant is being sentenced.
 40 After consideration of any such statements, the court may refuse to
 41 accept, where appropriate, a negotiated plea or sentence, and the court
 42 shall give the defendant an opportunity to enter a new plea and to
 43 elect trial by jury or by the court.

44 [(c)] (b) Prior to the imposition of sentence upon such defendant and
 45 prior to the acceptance of a plea pursuant to a plea agreement, the
 46 state's attorney, assistant state's attorney or deputy assistant state's
 47 attorney in charge of the case shall [advise the] notify any victim of
 48 such crime in writing, by certified mail, on a form prescribed by the

49 Office of the Chief Court Administrator, of the date, time and place of
 50 the [original] sentencing hearing or any judicial proceeding concerning
 51 the acceptance of a plea pursuant to a plea agreement and of the crime
 52 victim's right to appear before the court for the purpose of making a
 53 statement or to submit a written statement for the record as provided
 54 in subsection (a) of this section, provided the crime victim has
 55 informed such state's attorney, assistant state's attorney or deputy
 56 assistant state's attorney that such crime victim wishes to make or
 57 submit a statement as provided in subsection [(b)] (a) of this section
 58 and has [complied with a request from such state's attorney, assistant
 59 state's attorney or deputy assistant state's attorney to submit a
 60 stamped, self-addressed postcard for the purpose of such notification.
 61 If the state's attorney, assistant state's attorney or deputy assistant
 62 state's attorney is unable to notify the victim, such state's attorney,
 63 assistant state's attorney or deputy state's attorney shall sign a
 64 statement as to such notification] provided such state's attorney,
 65 assistant state's attorney or deputy assistant state's attorney with a
 66 current address. A copy of such notification and the return receipt
 67 therefor shall be placed in the court files.

68 [(d)] (c) Upon the request of a crime victim, prior to the acceptance
 69 by the court of a plea of a defendant pursuant to a proposed plea
 70 agreement, the state's attorney, assistant state's attorney or deputy
 71 assistant state's attorney in charge of the case shall provide such crime
 72 victim with the terms of such proposed plea agreement in writing.

73 (d) Prior to the imposition of sentence upon such defendant and
 74 prior to the acceptance of a plea pursuant to a plea agreement, the
 75 court shall inquire on the record whether any victim of the crime is
 76 present for the purpose of making a statement or has submitted a
 77 written statement for the record as provided in subsection (a) of this
 78 section. If no crime victim is present and no statement of a crime victim
 79 has been submitted, the court shall inquire on the record whether the
 80 provisions of subsection (a) of this section have been complied with. If
 81 the court determines that the provisions of subsection (a) of this section

82 have not been complied with, the court shall continue the proceeding
83 until the court finds that such provisions have been complied with.

84 (e) The provisions of this section shall not apply to any proceedings
85 held in accordance with section 46b-121 or section 54-76h.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Statement of Purpose:

To establish requirements for the sequestering of witnesses who are crime victims and to ensure that crime victims are afforded the opportunity to participate prior to the acceptance of a plea agreement and at a sentencing hearing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]